

City of Fresno

City Hall Council Chambers

2600 Fresno Street

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Meeting Minutes - Draft

Wednesday, August 4, 2021

6:00 PM

**Regular Meeting
Electronic Only**

Planning Commission

Chairperson - Kathy Bray

Vice Chair – Brad Hardie

Commissioner - David Criner

Commissioner – Robert A. Fuentes

Commissioner - Peter Vang

Commissioner – Haley M. Wagner

Commissioner - Monica Diaz

Chair Bray called the meeting to order at 6:10 pm.

I. ROLL CALL

STAFF: Kolluri (City Attorney’s Office); Sanchez, Tackett, Pagoulatos, Trejo, Caldera, Young, Salazar, M. Martinez (Planning and Development); Benelli (PublicWorks).

Present 7 - Commissioner Brad Hardie, Commissioner David Criner, Commissioner Robert A. Fuentes, Commissioner Peter Vang, Commissioner Haley M. Wagner, Commissioner Monica Diaz, and Chair Kathy Bray

Absent 0 -

II. PLEDGE OF ALLEGIANCE

Recital of the pledge was led by Commissioner Brad Hardie.

III. PROCEDURES

Chair Bray outlined the meeting procedures for the benefit of the public.

IV. AGENDA APPROVAL

There were no changes to the agenda.

On motion of Commissioner Diaz, seconded by Commissioner Criner, that the above be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Hardie, Commissioner Criner, Commissioner Fuentes, Commissioner Vang, Commissioner Wagner, Commissioner Diaz, and Chair Bray.

- A. Consent Calendar Requests
- B. Continuance Requests
- C. Other Agenda Changes

V. CONSENT CALENDAR

No items on the consent calendar for consideration.

- A. Minutes

B. Communications

C. Entitlements

VI. REPORTS BY COMMISSIONERS

Chair Bray requested a ceremony to honor the past chair.

VII. CONTINUED MATTERS

No items on continued matters for consideration.

VIII. NEW MATTERS

VIII-A.

ID21-23119 Consideration of Conditional Use Permit Application No. P19-00757, a request for authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 21 alcohol license (Off-Sale General [Package Store] – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for an existing convenience store and service station located at 6780 West Herndon Avenue at the northwest corner of West Herndon and West Farrington Avenues (Council District 2).

Staff Recommendation:

Staff recommends that the Planning Commission take the following action:

1. **UPHOLD** the appeal and **DENY** Conditional Use Permit Application No. P19-00757 based on the following: Based in the evidence detailed in this staff report, staff has determined that that Findings a, b, c, d, e, and f contained in Section 155306, of the Fresno Municipal Code (FMC), cannot be made, therefore the Conditional Use Permit cannot be approved.

If the Planning Commission decides to grant approval of the proposed project, staff recommends that the Planning Commission take the following actions:

1. **Approve** Environmental Assessment No. P1900757, dated July 16, 2021, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 1 (Existing Facilities) Categorical Exemption.

2. **DENY** the appeal and **UPHOLD** the action of the Planning and Development Department Director to approve Conditional Use Permit Application No. P19-00757 requesting to establish a Type 21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for an existing convenience store and service station subject to the Revised Conditions of Approval

dated July 30, 2021.

Sponsors: Planning & Development Department

Supervising Planner Israel Trejo, presented the item.

Representative of Zippy Mart Store Group spoke on behalf of the project.

Upon call, Lisa Flores spoke in favor of the project. There were no public comments in opposition to the project.

Chair closed the public comment segment and brought the item to the dais for discussion.

Commissioner Criner left the meeting at approximately 7:00 pm.

Planning Commission made the necessary findings based on Staff recommendations to approve the project.

MOTION TO GRANT APPROVAL OF THE PROJECT APPROVE ENVIRONMENTAL ASSESSMENT NO. P19-00757, DENY THE APPEAL AND UPHOLD APPROVAL OF CUP P19-00757

On motion of Commissioner Diaz, seconded by Commissioner Wagner, and that above Action Item be approved. The motions carried by the following vote:

Aye: 4 - Commissioner Wagner, Commissioner Diaz, Commissioner Hardie, Chair Bray.

No: 2 - Commissioner Vang, Commissioner Fuentes

Commissioner Criner was not present for the vote.

Status: 4 - 2 **Pass**

VIII-B.

ID 2123129 Public hearing to consider the adoption of Plan Amendment Application No. P19-04226 and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2019050005.

The following applications have been filed by the Planning and Development Department Director and pertain to the Planning Area of the City of Fresno:

1. Recommend that the City Council review and consider Final Program Environmental Impact Report (Draft PEIR SCH No. 2019050005, Response to Comments Document, Recirculated Draft PEIR and Response to Comments Document), apply the Council's independent judgment and analyses to the review, and then certify the FPEIR including the Greenhouse Gas (GHG) Reduction Plan set forth in Appendix G of the FPEIR, as having been completed in compliance with the California Environmental Quality Act

(CEQA), based on the Commission's recommendations on the proposed Final Program EIR and comments thereon.

- Recommend the City Council adopt an appropriate Mitigation Monitoring and Reporting Program (MMRP) as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097;
- Recommend the City Council find that based upon testimony presented by staff, there are significant, unavoidable, environmental impacts which have not been mitigated to a level below significant. Therefore, the City Council should adopt the findings of fact and consider an appropriate statement of overriding considerations pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15093;
- Recommend the City Council adopt the GHG Reduction Plan Update set forth in Appendix G, pursuant to CEQA Guidelines Section 15183.5(b).

2. Recommend that the City Council Approve Plan Amendment Application No P1904226 which requests authorization to amend the text of the Fresno General Plan Mobility and Transportation Element to add a Vehicle Miles Traveled (VMT) policy consistent with California Senate Bill (SB) 743 and to revise policies and text relating to Level of Service (LOS) metrics to update applicability.

Sponsors: Planning & Development Department

Planning Manager Sophia Pagoulatos, presented the item.

Upon call, Lisa Flores, Terry Hirschfield, Ivanka Saunders, Kimberly McCoy, and Panfilo Cerrillo spoke in opposition of the project. There were no public comments in favor of the project.

Planning Manager Sophia Pagoulatos provided feedback to those who spoke in opposition.

Chair closed the public comment segment and brought the item to the dais for discussion.

MOTION TO GRANT APPROVAL OF STAFF RECOMMENDATION

On motion of Commissioner Diaz, seconded by Commissioner Hardie, and that above Action Item be approved. The motions carried by the following vote:

Aye: 3 - Commissioner Diaz, Commissioner Hardie, Chair Bray.

No: 3 - Commissioner Wagner, Commissioner Fuentes, Commissioner Vang

Commissioner Criner was not present for the vote.

Status: 3 - 3 Technical Denial to move forward to City Council

IX. REPORT BY SECRETARY

Secretary Sanchez inquired with Commissioners that everyone shall have employee ID card and laptops.

X. SCHEDULED ORAL COMMUNICATIONS

No scheduled oral communications.

XI. UNSCHEDULED ORAL COMMUNICATIONS

Lisa Flores and Panfilo Cerrillo spoke and thanked commissioners who voted in opposition.

XII. ADJOURNMENT

ADJOURNMENT AT 8:13 P.M.